

Appl. No. 10/063,786
Docket No. 121710/GEM-0006

REMARKS / ARGUMENTS

Status of Claims

Claims 1-31 are pending in the application. Claims 1-31 stand rejected. Applicant has amended Claims 1 and 19, and Applicant has cancelled claims 14 and 20-31, leaving Claims 1-13 and 15-19 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

Rejections Under 35 U.S.C. §102(b)

Claims 1-8, 10-11, 13, and 15-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Taguchi et al. (U.S. Patent No. 6,795,589, hereinafter Taguchi). Claims 1 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by He et al. U.S. Pat. No. 6,141,398 (hereinafter He).

Applicant traverses this rejection for the following reasons.

Applicant respectfully submits that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the *** claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

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Applicant respectfully submits that neither Taguchi nor He teach or disclose all of the elements of claim 1. As amended claim 1 recites, a method for managing axial images, the method comprising: receiving a reconstructed axial image, wherein said reconstructed axial image includes a pre-selected number of completed reconstructed slices, a slice thickness and an interval value; creating a reformatted axial image in response to said reconstructed axial image, wherein said creating includes: modifying said slice thickness in response to user slice thickness input; updating said interval value in response to user interval value input; and displaying said reformatted axial image in response to user display input, said user display input comprises an instruction to save a current view of said reformatted axial image in a secondary capture image format. Specifically, neither Taguchi nor He teach or disclose a user display input that comprises an instruction to save a current view of said reformatted axial image in a secondary capture image format. Rather, Taguchi discloses reading data from the data storage unit, reconstructing the image data, displaying the image, and allowing the user to set reconstruction conditions. Therefore, Taguchi does not teach or disclose all of the elements of claim 1. Furthermore, He does not teach or disclose saving said reformatted axial image in a secondary capture image format. Rather, He discloses a image reconstruction, display and processing system that uses image data to reconstruct images for viewing in order to enable the storage of fewer images. Therefore He does not teach or disclose all of the elements of claim 1.

Claim 1 is not further objected or rejected and Applicant submits that Claim 1 is allowable. Claims 2-8, 10-11, 13, and 15-18 are also rejected in view of Taguchi. However, these claims depend from allowable Claim 1 and are thus correspondingly allowable. Reconsideration and allowance of Claims 1-8, 10-11, 13, and 15-18 are thus respectfully requested.

Applicant respectfully submits that neither Taguchi nor He teach or disclose all of the elements of claim 19. As amended claim 19 recites, a method for managing axial images, the method comprising: receiving a reconstructed axial image, wherein said reconstructed axial image includes a slice thickness and an interval value; creating a

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reformatted axial image in response to said reconstructed axial image, wherein said creating includes: modifying said slice thickness in response to user slice thickness input; updating said interval value in response to user interval value input wherein said user interval value input includes an explicit value for said interval value; and displaying said reformatted axial image in response to user display input, said user display input comprises an instruction to save a current view of said reformatted axial image in a secondary capture image format. Specifically, as explained above, neither Taguchi nor He teach or disclose a user display input that comprises an instruction to save a current view of said reformatted axial image in a secondary capture image format. Claim 19 is not further objected or rejected and Applicant submits that Claim 19 is allowable.

In view of the amendment and foregoing remarks, Applicant submits that the References do not separately disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw this rejection.

Rejections Under 35 U.S.C. §103(a)

Claims 9, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Taguchi (U.S. Patent No. 6,584,166, hereinafter Taguchi) in view of Agiro et al. (U.S. Patent No. 5,986,662, hereinafter Argiro). Claim 14 has been cancelled.

Claims 20-22, 23-26, 28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi U.S. Pat. No. 6,584,166 (hereinafter Taguchi) in view of Taguchi (U.S. Patent No. 5,825,842, hereinafter Taguchi-1998). Claims 20-31 have been cancelled.

Applicant traverses the rejections of claims 9 and 12 for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5

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U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

As explained above, Taguchi does not teach or disclose all of the limitations of claim 1. Furthermore, Argiro does not cure the deficiencies of Taguchi. Argiro does not teach or disclose saving a reformatted axial image in a reformat form in the data storage unit. Claims 9 and 12 depend from claim 1 and are believed to be allowable due to this dependency.

The elements of dependant claim 14, which was rejected over Taguchi in view of Agiro et al, have been incorporated into independent claims 1 and 19. Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention. Specifically, neither Taguchi nor Agiro teach or disclose a user display input comprises an instruction to save a current view of said reformatted axial image in a secondary capture image format.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In light of the foregoing remarks and amendments, Applicant respectfully submits that the proposed amendments and arguments comply with 37 C.F.R. §1.116 and should therefore be entered, and with their entry that the Examiner's rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a), have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

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In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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